

AMENDED IN ASSEMBLY MAY 7, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 9, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2864

**Introduced by Assembly Member De Leon
(Coauthors: Assembly Members Coto and Hancock)**

February 22, 2008

An act to amend Sections 17072.35 and 17074.25 of, and to add ~~Section 17072.36~~ *Sections 17072.36 and 17074.28* to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2864, as amended, De Leon. School facilities: energy efficiency.

Existing law, the Leroy F. Greene School Facilities Act of 1998, administered by the Director of General Services, authorizes the State Allocation Board to apportion funds to school districts that have been determined by the board to meet eligibility requirements for new construction funding or for modernization funding. A grant for new construction may be used for any and all costs necessary to adequately house new pupils in any approved project, including the costs of designs and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and the costs of energy efficiency analyses, reports, design, and components. A modernization apportionment may be used for an improvement to

extend the useful life of, or to enhance the physical environment of, the school.

This bill would state the intent of the Legislature to encourage school districts to strive to achieve “grid neutrality” through investments in renewable energy components for new school construction projects. This bill would allow a grant for new construction or a modernization apportionment to be used for the costs of purchase and installation of renewable energy components, including solar panels, power systems, and photovoltaic (PV) systems, as specified. *The bill would require the board to review the criteria for funding under the High Performance Schools Grant Program for new construction and modernization projects and the extent to which renewable energy technologies were included in the funded projects.* The bill would specify that an amount equal to the savings accrued by a district as a result of renewable energy components shall be transferred into the capital outlay fund of the district until the total cost of the purchase and installation of the component is repaid.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to encourage
- 2 school districts to achieve “grid neutrality” through investments
- 3 in renewable energy components for new school construction
- 4 projects that will increase their energy efficiency and reduce their
- 5 maintenance and operation costs.
- 6 SEC. 2. Section 17072.35 of the Education Code is amended
- 7 to read:
- 8 17072.35. (a) A grant for new construction may be used for
- 9 any and all costs necessary to adequately house new pupils in any
- 10 approved project, and those costs only may include the cost of
- 11 design, engineering, testing, inspection, plan checking, construction
- 12 management, site acquisition and development, evaluation and
- 13 response action costs relating to hazardous substances at a new or
- 14 existing schoolsite, demolition, construction, acquisition and
- 15 installation of portable classrooms, landscaping, necessary utility
- 16 costs, utility connections and other fees, equipment including
- 17 telecommunication equipment to increase school security,
- 18 furnishings, and upgrade of electrical systems or the wiring or

1 cabling of classrooms in order to accommodate educational
2 technology.

3 (b) A grant for new construction also may be used to acquire
4 an existing government or privately owned building, or a privately
5 financed school building, and for the necessary costs of converting
6 the government or privately owned building for public school use.

7 (c) A grant for new construction also may be used for the costs
8 of designs and materials that promote the efficient use of energy
9 and water, the maximum use of natural lighting and indoor air
10 quality, the use of recycled materials and materials that emit a
11 minimum of toxic substances, the use of acoustics conducive to
12 teaching and learning, and other characteristics of high-performance
13 ~~schools.~~ *performance schools, including the purchase and*
14 *installation of renewable energy components, including, but not*
15 *limited to, solar panels, power systems, and photovoltaic (PV)*
16 *systems, pursuant to Article 10.5 (commencing with Section*
17 *17077.30).*

18 (d) Renewable energy components may be purchased and
19 installed under the provisions of Chapter 3.2 (commencing with
20 Section 4217.10) of Division 5 of Title 1 of the Government Code.

21 (e) *The board shall review the criteria for funding pursuant to*
22 *the High Performance Schools Grant Program pursuant to*
23 *paragraph (8) of subdivision (a) of Section 101012 for new*
24 *construction projects and the extent to which renewable energy*
25 *technologies were included in projects funded by the program.*

26 SEC. 3. Section 17072.36 is added to the Education Code, to
27 read:

28 17072.36. An amount equal to the savings identified by the
29 establishment of a baseline for average energy consumption within
30 a district or adjacent district based upon a school or schools of
31 similar size, enrollment, construction type, or combination thereof,
32 accrued by a district as a result of the purchase, installation, and
33 use of renewable energy components as authorized by Section
34 17072.35 shall be transferred into the capital outlay fund of the
35 district until the total cost of the purchase and installation of the
36 component is repaid.

37 SEC. 4. Section 17074.25 of the Education Code is amended
38 to read:

39 17074.25. (a) A modernization apportionment may be used
40 for an improvement to extend the useful life of, or to enhance the

1 physical environment of, the school. The improvement may only
2 include the cost of design, engineering, testing, inspection, plan
3 checking, construction management, demolition, construction, the
4 replacement of portable classrooms, necessary utility costs, utility
5 connection and other fees, the purchase and installation of
6 air-conditioning equipment and insulation materials and related
7 costs, furniture and equipment, including telecommunication
8 equipment to increase school security, fire safety improvements,
9 playground safety improvements, identification, assessment, or
10 abatement of hazardous asbestos, seismic safety improvements,
11 and upgrade of electrical systems or the wiring or cabling of
12 classrooms in order to accommodate educational technology. A
13 modernization grant may not be used for costs associated with
14 acquisition and development of real estate or for routine
15 maintenance and repair.

16 (b) A portion of a modernization apportionment may be used
17 for the costs of purchase and installation of renewable energy
18 components, including solar panels, power systems, and
19 photovoltaic (PV) systems, pursuant to Article 10.5 (commencing
20 with Section 17077.30).

21 (c) *The board shall review the criteria for funding pursuant to*
22 *the High Performance Schools Grant Program pursuant to*
23 *paragraph (8) of subdivision (a) of Section 101012 for*
24 *modernization projects and the extent to which renewable energy*
25 *technologies were included in projects funded by the program.*

26 SEC. 5. Section 17074.28 is added to the Education Code, to
27 read:

28 17074.28. *An amount equal to the savings identified by the*
29 *establishment of a baseline for average energy consumption for a*
30 *modernization project that received funding pursuant to subdivision*
31 *(b) of Section 17074.25 accrued by a district as a result of the*
32 *purchase, installation, and use of renewable energy components*
33 *shall be transferred into the capital outlay fund of the district until*
34 *the total cost of the purchase and installation of the component is*
35 *repaid.*